

MINUTES

MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN MACK COLE**, on February 12, 1999 at 10:00 A.M., in Room 331 Capitol.

ROLL CALL

Members Present:

Sen. Mack Cole, Chairman (R)
Sen. Don Hargrove, Vice Chairman (R)
Sen. Jon Tester (D)
Sen. Jack Wells (R)
Sen. Bill Wilson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Keri Burkhardt, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted:
Executive Action: SJ 4, SB 383, SB 400

EXECUTIVE ACTION ON SB 400

{Tape : 1; Side : A; Approx. Time Counter : 10 - 20}

Discussion:

Don Waldron, Montana School Bus Contractors Association, Montana Rural Education Association, explained most of his rural students get on the buses in the morning during winter time with 30 minutes of darkness. If the time is changed to daylight savings year round, the children would have 90 minutes of darkness in the

morning. They would rather have the children go home when it is a little darker because traffic is not as heavy at that time. They are opposed to this bill for those reasons.

Motion: SEN. WELLS moved that SB 400 DO PASS.

SEN. WELLS said he recognizes the opponent's position on this bill. However, there was some validity to the sponsor's statement that evening time is hazardous also. Drivers could install flood lights on the bus. The bus driver's comment about being unable to wait for the kids is a valid point, but in a majority of cases, the bus drivers know the kids on their route. There is a certain amount of liability on their part to watch out for hazards. This is an interesting subject and he would like to see it debated on the Senate Floor.

Vote: Roll call vote was taken. Motion failed 2-3 with SEN. TESTER and SEN. WELLS voting aye.

Motion/Vote: SEN. WILSON moved that SB 400 BE TABLED. Motion carried 5-0.

EXECUTIVE ACTION ON SB 383

Discussion:

Mary Vandenbosch, Staff Researcher, Legislative Services, explained the amendments EXHIBIT(sts35a01). Amendment 1 responds to some concerns with exemptions. Amendments 2 through 6 clarify that review of a subdivision under cluster development regulations is optional. Amendments 7 and 8 respond to the assumption that cluster development subdivisions are not subject to public hearings, which is incorrect and this amendment clarifies that. Amendments 9 through 11 remove the reference to impact fees. Amendments 12 and 13 clarify that approval of a subdivision cannot be denied based solely on density levels for preservation areas.

{Tape : 1; Side : A; Approx. Time Counter : 20 - 33}

Motion: SEN. HARGROVE moved that SB 383 BE AMENDED.

SEN. WELLS asked for some clarification of Amendment 13.

SEN. HARGROVE, explained this is for the density levels for the preservation area.

Mary Vandenbosch said that they cannot base it solely on the subdivision's impacts on educational services or solely on density levels for preservation areas. This is intended to be a voluntary transfer of development rights program, so it does not take away any rights a property owner has before this bill is passed. Therefore, in order to make this bill work, they need to identify density levels for preservation areas so they have a basis for giving them a transferable development right.

SEN. HARGROVE explained this is protecting the current rights of the individual concerning density levels currently established, and the new density levels established for preservation areas under the master plan.

Vote: Motion **carried 5-0.**

Motion: **SEN. HARGROVE** moved that **SB 383 DO PASS AS AMENDED.**

SEN. HARGROVE explained some of the amendments clarify areas in the bill that were misinterpreted by the opponents. He has been trying to respond to the concerns of the opponents.

SEN. WILSON said he had received an email from his City County Planning Director, saying because the property owner cannot actually use his development rights, only transfer them, this bill could place any county using it in serious legal jeopardy. He asked if there was any validity to that statement.

SEN. HARGROVE said he doesn't see how it would. It has been reviewed by the council.

Mary Vandenbosch explained Montana already allows transfer of development rights under zoning laws and several states have transfer of development rights.

They discussed the Local Planning Boards who came in to testify as proponents for the bill.

SEN. HARGROVE said this bill gives incentive to the county to develop a growth policy plan.

Mary Vandenbosch stated this bill does not take away any authority of the Planning Board. These subdivisions are subject to the Subdivision Planning Act, except for the exemptions in Section 8. The law says if a master plan is adopted, the Planning Board is required to review it. This bill requires a master plan to be adopted.

Vote: Motion **carried 5-0.**

EXECUTIVE ACTION ON SJ 4

{Tape : 1; Side : A; Approx. Time Counter : 33 - 41}

Discussion:

David Niss, Staff Researcher, Legislative Division, explained the amendments that would need to be made to **SJ 4** in order to strike the portion on **SEN. MANSFIELD**.

SEN. COLE explained a joint hearing with the House and Senate committees would be held in March for **SJ 10**, the resolution to honor **SEN. MANSFIELD**.

Motion/Vote: **SEN. WILSON** moved that **SJ 4 BE AMENDED**. Motion carried 5-0.

Motion/Vote: **SEN. WELLS** moved that **SJ 4 DO PASS AS AMENDED**. Motion carried 5-0.

ADJOURNMENT

Adjournment: 10:41 A.M.

SEN. MACK COLE, Chairman

KERI BURKHARDT, Secretary

MC/KB

EXHIBIT (sts35aad)